

BILL ANALYSIS

H.B. 2973
By: González, Jessica
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been suggested there are few options for financial relief for defendants who have unpaid costs for legal services and who are indigent or unable to pay such costs. H.B. 2973 seeks to address this issue by providing defendants the opportunity to challenge orders to pay such unpaid costs before a judge and by requiring the judge to amend the order on a determination that the defendant is indigent or demonstrates an inability to pay.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2973 repeals a Code of Criminal Procedure provision authorizing a judge to amend an order requiring a defendant to pay unpaid costs of legal services provided to the defendant and amends the Code of Criminal Procedure to require a judge, on written request of a defendant who has been ordered to pay such costs, to provide the defendant with the opportunity to present evidence that the defendant no longer has the financial resources to pay the amount ordered at any time during the sentence of confinement or period of community supervision of the defendant. The bill requires a judge who determines that the defendant is indigent or demonstrates an inability to pay the amount ordered to amend the applicable order to require the defendant to pay a reduced amount, if any, based on the defendant's ability to pay, but authorizes the judge to amend the order on the judge's own motion. The bill expands the applicability of such provisions to include a defendant who is subject to an order to pay a reduced amount for legal services provided to the defendant, regardless of financial resources available to the defendant at the time the defendant was sentenced to confinement or placed on community supervision. The bill authorizes a judge, in making such a determination, to consider only information that may be considered in a determination of whether a defendant is indigent under statutory provisions relating to procedures for appointing counsel. The bill establishes that the jurisdiction of the judge to enter an order under the bill's provisions continues until the defendant has discharged the sentence or completed the period of community supervision. The bill prohibits the judge from revoking or extending the defendant's period of community supervision solely to collect the amount the defendant has been ordered to pay under the bill's provisions.

H.B. 2973 repeals Articles 26.05(g-1)(3), (4), and (5), Code of Criminal Procedure.

EFFECTIVE DATE

September 1, 2019.